

## HOUSE BILL NO. 612

INTRODUCED BY R. BROWN, MCGEE, SLITER

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO ELECTIONS; CLARIFYING WHEN A PRIMARY BALLOT NEED NOT BE PRINTED FOR A POLITICAL PARTY; CLARIFYING THE TIME BY WHICH VACANCY APPOINTMENTS MUST BE MADE; REVISING WHO DETERMINES THE NUMBER OF SIGNATURES REQUIRED FOR A PETITION OF NOMINATION; CHANGING THE TIME BY WHICH PETITIONS FOR NOMINATION OF CERTAIN MINOR PARTY CANDIDATES MUST BE FILED; CLARIFYING THE TIME BY WHICH THE NAMES OF CERTAIN PRESIDENTIAL ELECTORS MUST BE CERTIFIED TO THE SECRETARY OF STATE; REVISING WHEN THE SECRETARY OF STATE MUST SEND WRITTEN NOTICE TO PERSONS SUBMITTING BALLOT MEASURE PETITION SHEETS OF THE FINAL APPROVAL OF THOSE SHEETS; REQUIRING THAT A RESIDENCE ADDRESS ~~RATHER THAN A POST-OFFICE ADDRESS, POST-OFFICE ADDRESS, OR TELEPHONE NUMBER~~ BE SPECIFIED ON BALLOT MEASURE PETITION SHEETS FOR THE PURPOSE OF SIGNATURE VERIFICATION AND PROVIDING THAT AN ADDRESS GIVEN ON A PETITION MAY NOT BE USED AS THE ONLY MEANS TO DISQUALIFY A SIGNATURE; CLARIFYING WHEN THE SECRETARY OF STATE SENDS WRITTEN NOTICE OF FINAL APPROVAL OF A BALLOT MEASURE PETITION SHEET; REVISING THE DATE BY WHICH A PROPONENT OF A BALLOT MEASURE MAY CHALLENGE A DETERMINATION OF LEGAL DEFICIENCY; ~~AND PROVIDING SPECIFIC PROCEDURES FOR THE SPECIAL ELECTION ON SENATE BILL NO. 119; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND~~ AMENDING SECTIONS 13-10-209, 13-10-327, 13-10-502, 13-10-504, 13-25-101, 13-27-202, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-208, 13-27-302, 13-27-304, AND 13-27-316, MCA; ~~AND PROVIDING EFFECTIVE DATES.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 13-10-209, MCA, is amended to read:

1           **"13-10-209. Arrangement and printing of primary ballots.** (1) (a) Ballots for a primary election ~~shall~~  
 2 must be arranged and printed in the same manner and number as provided in chapter 12 for general  
 3 election ballots, except there ~~shall~~ must be separate ballots for each political party entitled to participate.  
 4 The name of the political party ~~shall~~ must be printed at the top of the separate ballot for that party and  
 5 need not be printed opposite each candidate's name.

6           (b) Nonpartisan offices and ballot issues may be printed on separate ballots or may appear on the  
 7 same ballot as partisan offices if:

8           (i) each section is clearly identified as separate; and

9           (ii) ~~such~~ the nonpartisan offices and ballot issues appear on each party's ballot.

10          (2) ~~It is not necessary~~ An election administrator does not need to print a primary ballot for a  
 11 political party ~~which~~ if:

12          (a) the party does not have candidates for more than half of the offices to be printed on the ballot  
 13 ~~in even-year elections if, and~~

14          (b) no more than one candidate files for nomination by that party for any of the offices to be  
 15 printed on the ballot.

16          (3) ~~The~~ If, pursuant to subsection (2), a primary ballot for a political party is not printed, the  
 17 secretary of state shall certify that ~~no~~ a primary election is ~~necessary~~ unnecessary for that party ~~if such~~  
 18 ~~is the case~~ and shall ~~certify or~~ instruct the election administrator to certify the names of the candidates  
 19 for that party for the general election ballot only.

20          ~~(3)~~(4) The separate ballots for each party ~~shall~~ must be the same size and color. The stubs of each  
 21 set of party ballots ~~shall~~ must bear the same number. If printed as a separate ballot, the nonpartisan ballot  
 22 ~~shall~~ must be a different size or color than the party ballots, but the stubs ~~shall~~ must be numbered in the  
 23 same order as the party ballots.

24          ~~(4)~~(5) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan  
 25 ballot or a separate ballot. A separate ballot may be a different size and color than the other ballots in the  
 26 election, but the stubs ~~shall~~ must be numbered in the same order.

27          ~~(5)~~(6) Each elector shall receive a set of party ballots and a nonpartisan and a ballot issue ballot  
 28 if ~~such~~ those ballots are printed."

29

30          **Section 2.** Section 13-10-327, MCA, is amended to read:

1           **"13-10-327. Vacancy after primary and prior to general election.** (1) Except as provided in  
2 13-10-328 for a vacancy in the candidacy of either governor or lieutenant governor caused by the death  
3 of a candidate, if a party candidate dies or withdraws after the primary and before the general election,  
4 the affected political party shall appoint someone to replace the candidate in one of the following ways:

5           (a) For offices to be filled by the state at large, the state central committee shall make the  
6 appointment as provided by the rules of the party.

7           (b) For offices to be filled in districts including more than one county, a committee appointed by  
8 the county central committees of all counties in the district shall make the appointment. Procedures for  
9 the appointment of the committee and making the appointment must be provided in party rules.

10          (c) For offices to be filled in counties, municipalities, or districts wholly within a county, the  
11 appointment must be made under rules adopted by the county central committee.

12          (2) Except as provided in this section, appointments to fill vacancies must be made no later than  
13 ~~75~~ 76 days before the election. A candidate may not officially withdraw 85 days or less before a general  
14 election. However, if a candidate for partisan office dies less than 85 days before the general election, the  
15 affected political party shall appoint a candidate within 5 days after being notified of the vacancy. One of  
16 the procedures provided in 13-12-204 must be used to place the name of the appointee on the ballot if  
17 necessary.

18          (3) The appointing committee shall send a certificate to the officer with whom a declaration for  
19 nomination for the office would be filed, with the information required on a declaration for nomination and  
20 the name of the candidate for whom the appointee is to be substituted. The appointee shall send a signed  
21 and acknowledged acceptance of the appointment and the filing fee for the office.

22          (4) The officer receiving the certificate of appointment, accompanied by a statement of  
23 acceptance and the filing fee, shall certify the name of the appointee for the ballot."

24

25           **Section 3.** Section 13-10-502, MCA, is amended to read:

26           **"13-10-502. Signature requirements for petition.** (1) The petition for nomination must be signed  
27 by electors residing within the state and district or political subdivision in which the officer or officers are  
28 to be elected. Each signature line must contain spaces for the signature, post-office address, and printed  
29 last name of the signer.

30          (2) The number of signatures must be 5% or more of the total vote cast for the successful

1 candidate for the same office at the last general election.

2 (3) If the office sought is a new office or the boundaries of the district or political subdivision in  
3 which the election is to be held have changed since the last election for the office, the ~~secretary of state~~  
4 officer with whom nominations for the office sought are filed shall determine the number of signatures  
5 required for a petition of nomination for that office."

6

7 **Section 4.** Section 13-10-504, MCA, is amended to read:

8 **"13-10-504. Independent or minor party candidates for president or vice president.** (1) An  
9 individual who desires to run for president or vice president as an independent candidate or as a candidate  
10 of a party not qualified under 13-10-601 shall file a petition for nomination with the secretary of state ~~90~~  
11 76 days prior to the date of the general election.

12 (2) The petition and the affidavits of circulation required by 13-27-302 must first be submitted,  
13 at least 1 week before the deadline for filing, to the election administrator in the county where the signer  
14 resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.

15 (3) The petition must have the signatures of electors equal to 5% or more of the total votes cast  
16 for the successful candidate for governor at the last general election or 5,000 electors, whichever is less.  
17 The names of the candidates for the required number of presidential electors allowable to Montana must  
18 be certified to the secretary of state ~~when the petition for nomination is filed~~ no later than 76 days before  
19 the general election.

20 (4) A qualified independent presidential candidate may amend the petition and designate or choose  
21 a named vice presidential candidate until the filing date provided in 13-25-101."

22

23 **Section 5.** Section 13-25-101, MCA, is amended to read:

24 **"13-25-101. Nomination of electors -- ballot.** (1) Each political party qualified under 13-10-601  
25 shall nominate presidential electors for this state and file certificates of nomination for these candidates  
26 with the secretary of state in a form prescribed by the secretary of state no later than ~~75~~ 76 days before  
27 the general election, in the manner and number provided by law. However, in the event of the death of  
28 a candidate for president or vice president, a new candidate for president or vice president, or both, may  
29 be nominated for the affected political party and certificates of election may be filed with the secretary  
30 of state less than ~~75~~ 76 days before a general election.

1           (2) The secretary of state shall certify to the election administrator the names of the candidates  
2 for president and vice president of the several political parties, which must be placed on the ballot by one  
3 of the methods provided in 13-12-204. If the name of a new candidate for president or vice president, or  
4 both, is certified to the secretary of state in less than ~~75~~ 76 days pursuant to subsection (1), the secretary  
5 of state shall immediately certify the new name or names to the election administrators and the new name  
6 or names must be placed on the ballot by one of the methods provided in 13-12-204.

7           (3) The names of candidates for electors of president and vice president may not be printed upon  
8 the ballot."

9

10           **Section 6.** Section 13-27-202, MCA, is amended to read:

11           **"13-27-202. Recommendations -- approval of form required.** (1) Before submission of a sample  
12 sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

13           (a) The text of the proposed measure must be submitted to the legislative services division for  
14 review.

15           (b) The legislative services division staff shall review the text for clarity, consistency, and any  
16 other factors that the staff considers when drafting proposed legislation.

17           (c) Within 14 days after submission of the text, the legislative services division staff shall make  
18 to the person submitting the text written recommendations for changes in the text or a statement that no  
19 changes are recommended.

20           (d) The person submitting the text shall consider the recommendations and respond in writing to  
21 the legislative services division, accepting, rejecting, or modifying each of the recommended changes. If  
22 no changes are recommended, no response is required.

23           (2) The legislative services division shall furnish a copy of the correspondence provided for in  
24 subsection (1) to the secretary of state, who shall make a copy of the correspondence available to any  
25 person upon request.

26           (3) Before a petition may be circulated for signatures, a sample sheet containing the text of the  
27 proposed measure must be submitted to the secretary of state in the form in which it will be circulated.  
28 The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date  
29 for filing the signed petition with the county election administrator. The secretary of state shall refer a  
30 copy of the petition sheet to the attorney general for approval. The secretary of state and attorney general

1 shall each review the petition for sufficiency as to form and approve or reject the form of the petition,  
 2 stating the reasons for rejection, if any. The attorney general shall also review the petition as to its legal  
 3 sufficiency. If the attorney general determines that the petition is legally deficient, the attorney general  
 4 shall notify the secretary of state of that fact and provide a copy of the determination to the secretary of  
 5 state and to the petitioner within the time provided in 13-27-312(8). The petition may not be given final  
 6 approval by the secretary of state unless the attorney general's determination is overruled pursuant to  
 7 13-27-316. As used in this section, "legal sufficiency" means that the petition complies with the statutory  
 8 prerequisites to submission of the proposed measure to the electors and that the text of the proposed  
 9 measure complies with constitutional requirements governing submission of ballot measures to the  
 10 electorate. Review of a petition for legal sufficiency does not include consideration of the merits or  
 11 application of the measure if adopted by the voters. The secretary of state or the attorney general may  
 12 not reject the petition solely because the text contains material not submitted to the legislative services  
 13 division unless the material not submitted to the legislative services division is a substantive change not  
 14 suggested by the legislative services division.

15 (4) (a) The secretary of state shall review the comments and statements of the attorney general  
 16 received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the petition.

17 (b) The secretary of state shall send written notice to the person who submitted the petition sheet  
 18 of the approval or rejection of the form of the petition within 28 days after submission of the petition  
 19 sheet. ~~The secretary of state shall send written notice to the person who submitted the petition sheet of~~  
 20 ~~the final approval or rejection of the petition within 5 days of:~~

21 ~~—— (i) the date on which a final court decision is entered under 13-27-316 if a challenge to the~~  
 22 ~~attorney general's review of the petition is filed pursuant to that section; or~~

23 ~~—— (ii) the expiration of the time for filing a challenge to the attorney general's review under~~  
 24 ~~13-27-316 if no challenge is filed. If the petition is rejected, the notice must include reasons for rejection.~~

25 (c) If an action is filed challenging the validity of the petition, the secretary of state shall  
 26 immediately notify the person who submitted the petition sheet.

27 (5) A petition with technical defects in form may be approved with the condition that those  
 28 defects will be corrected before the petition is circulated for signatures.

29 (6) The secretary of state shall upon request provide the person submitting the petition with a  
 30 sample petition form, including the text of the proposed measure, the statement of purpose, and the

1 statements of implications, all as approved by the secretary of state and the attorney general. The petition  
2 may be circulated in the form of the sample prepared by the secretary of state. The petition may be  
3 circulated upon approval of the form of the petition by the secretary of state and the attorney general  
4 pending a final determination of its legal sufficiency."

5

6 **Section 7.** Section 13-27-204, MCA, is amended to read:

7 **"13-27-204. Petition for initiative.** (1) The following is substantially the form for a petition calling  
8 for a vote to enact a law by initiative:

9 PETITION TO PLACE INITIATIVE NO. \_\_\_\_  
10 ON THE ELECTION BALLOT

11 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the  
12 total number of voters signing this petition is ....., this measure will appear on the next general election  
13 ballot. If a majority of voters vote for this measure at that election, it will become law.

14 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
15 measure on the .... .., 20..., general election ballot:

16 (Title of measure written pursuant to 13-27-312)

17 (Statement of implication written pursuant to 13-27-312)

18 (c) Voters are urged to read the complete text of the measure, which appears (on the reverse side  
19 of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the measure on  
20 the ballot and does not necessarily mean the signer agrees with the measure.

21 (d)

22 WARNING

23 A person who purposefully signs a name other than the person's own to this petition, who signs  
24 more than once for the same issue at one election, or who signs when not a legally registered Montana  
25 voter is subject to a \$500 fine, 6 months in jail, or both.

26 (e) Each person is required to sign the person's name and LIST THE PERSON'S address OR TELEPHONE  
27 NUMBER in substantially the same manner as on the person's voter registration card or the signature will  
28 not be counted.

29 (2) Numbered lines must follow the ~~above~~ heading. Each numbered line must contain spaces for  
30 the signature, ~~post-office~~ residence address, legislative representative district number, and printed last



1 name of the signer. IN PLACE OF A RESIDENCE ADDRESS, THE SIGNER MAY PROVIDE THE SIGNER'S POST-OFFICE ADDRESS  
 2 OR THE SIGNER'S HOME OR BUSINESS TELEPHONE NUMBER. AN ADDRESS PROVIDED ON A PETITION BY THE SIGNER THAT  
 3 DIFFERS FROM THE SIGNER'S ADDRESS AS SHOWN ON THE SIGNER'S VOTER REGISTRATION CARD MAY NOT BE USED AS THE  
 4 ONLY MEANS TO DISQUALIFY THE SIGNATURE OF THAT PETITION SIGNER."

5

6 **Section 8.** Section 13-27-205, MCA, is amended to read:

7 **"13-27-205. Petition for the referendum.** (1) The following is substantially the form for a petition  
 8 calling for approval or rejection of an act of the legislature by the referendum:

9 PETITION TO PLACE REFERENDUM NO. \_\_\_\_

10 ON THE ELECTION BALLOT

11 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the  
 12 total number of voters signing the petition is ....., Senate (House) Bill Number .... will appear on the next  
 13 general election ballot. If a majority of voters vote for this measure at that election it will become law.

14 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
 15 Senate (House) Bill Number ....., passed by the legislature on ..... on the next general election ballot:

16 (Title of referendum written pursuant to 13-27-312)

17 (Statement of implication written pursuant to 13-27-312)

18 (c) Voters are urged to read the complete text of the measure, which appears (on the reverse side  
 19 of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure  
 20 on the ballot and does not necessarily mean the signer agrees with the measure.

21 (d)

22 WARNING

23 A person who purposefully signs a name other than ~~his/her~~ the person's own to this petition or  
 24 who signs more than once for the same issue at one election or signs when not a legally registered  
 25 Montana voter is subject to a \$500 fine, 6 months in jail, or both.

26 (e) Each person must sign ~~his/her~~ the person's name and LIST THE PERSON'S address OR TELEPHONE  
 27 NUMBER in substantially the same manner as on ~~his/her~~ the person's voter registry card, or the signature  
 28 will not be counted.

29 (2) Numbered lines ~~shall~~ must follow the ~~above~~ heading. Each numbered line ~~shall~~ must contain  
 30 spaces for the signature, ~~post-office~~ residence address, legislative representative district number, and

1 printed last name of the signer. IN PLACE OF A RESIDENCE ADDRESS, THE SIGNER MAY PROVIDE THE SIGNER'S  
 2 POST-OFFICE ADDRESS OR THE SIGNER'S HOME OR BUSINESS TELEPHONE NUMBER. AN ADDRESS PROVIDED ON A PETITION  
 3 BY THE SIGNER THAT DIFFERS FROM THE SIGNER'S ADDRESS AS SHOWN ON THE SIGNER'S VOTER REGISTRATION CARD MAY  
 4 NOT BE USED AS THE ONLY MEANS TO DISQUALIFY THE SIGNATURE OF THAT PETITION SIGNER."

5

6 **Section 9.** Section 13-27-206, MCA, is amended to read:

7 **"13-27-206. Petition for initiative for constitutional convention.** (1) The following is substantially  
 8 the form for a petition to direct the secretary of state to submit to the qualified voters the question of  
 9 whether there will be a constitutional convention:

10 PETITION TO PLACE  
 11 INITIATIVE NO.\_\_\_\_, CALLING FOR  
 12 A CONSTITUTIONAL CONVENTION, ON  
 13 THE ELECTION BALLOT

14 (a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number  
 15 of voters signing this petition is ....., the question of whether to have a constitutional convention will  
 16 appear on the next general election ballot. If a majority of voters vote for the constitutional convention,  
 17 the legislature shall call for a constitutional convention at its next session.

18 (b) We, the undersigned Montana voters, propose that the secretary of state place the question  
 19 of whether to hold a constitutional convention on the .... .., 20..., general election ballot:

20 (Title of the initiative written pursuant to 13-27-312)  
 21 (Statement of implication written pursuant to 13-27-312)

22 (c) A signature on this petition is only to put the call for a constitutional convention on the ballot  
 23 and does not necessarily mean the signer is in favor of calling a constitutional convention.

24 (d)

25 WARNING

26 A person who purposefully signs a name other than the person's own to this petition, who signs  
 27 more than once for the same issue at one election, or who signs when not a legally registered Montana  
 28 voter is subject to a \$500 fine or 6 months in jail, or both.

29 (e) Each person is required to sign the person's name and LIST THE PERSON'S address OR TELEPHONE  
 30 NUMBER in substantially the same manner as on the person's voter registration card or the signature will



1 not be counted.

2 (2) Numbered lines must follow the ~~above~~ heading. Each numbered line must also contain spaces  
3 for the signature, ~~post-office~~ residence address, legislative representative district number, and printed last  
4 name of the signer. IN PLACE OF A RESIDENCE ADDRESS, THE SIGNER MAY PROVIDE THE SIGNER'S POST-OFFICE ADDRESS  
5 OR THE SIGNER'S HOME ~~OR BUSINESS~~ TELEPHONE NUMBER. AN ADDRESS PROVIDED ON A PETITION BY THE SIGNER THAT  
6 DIFFERS FROM THE SIGNER'S ADDRESS AS SHOWN ON THE SIGNER'S VOTER REGISTRATION CARD MAY NOT BE USED AS THE  
7 ONLY MEANS TO DISQUALIFY THE SIGNATURE OF THAT PETITION SIGNER."

8

9 **Section 10.** Section 13-27-207, MCA, is amended to read:

10 **"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially  
11 the form for a petition for an initiative to amend the constitution:

12 PETITION TO PLACE CONSTITUTIONAL  
13 AMENDMENT NO. \_\_\_\_ ON  
14 THE ELECTION BALLOT

15 (a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number  
16 of voters signing the petition is ....., this constitutional amendment will appear on the next general election  
17 ballot. If a majority of voters vote for this amendment at that election, it will become part of the  
18 constitution.

19 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
20 constitutional amendment on the ....., 20..., general election ballot:

21 (Title of the proposed constitutional amendment  
22 written pursuant to 13-27-312)

23 (Statement of implication written pursuant to 13-27-312)

24 (c) Voters are urged to read the complete text of the measure, which appears (on the reverse side  
25 of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the constitutional  
26 amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

27 (d)

28 WARNING

29 A person who purposefully signs a name other than the person's own to this petition, who signs  
30 more than once for the same issue at one election, or who signs when not a legally registered Montana

1 voter is subject to a \$500 fine, 6 months in jail, or both.

2 (e) Each person is required to sign the person's name and LIST THE PERSON'S address OR TELEPHONE  
3 NUMBER in substantially the same manner as on the person's voter registration card or the signature will  
4 not be counted.

5 (2) Numbered lines must follow the ~~above~~ heading. Each numbered line must contain spaces for  
6 the signature, ~~post-office~~ residence address, legislative representative district number, and printed last  
7 name of the signer. IN PLACE OF A RESIDENCE ADDRESS, THE SIGNER MAY PROVIDE THE SIGNER'S POST-OFFICE ADDRESS  
8 OR THE SIGNER'S HOME OR BUSINESS TELEPHONE NUMBER. AN ADDRESS PROVIDED ON A PETITION BY THE SIGNER THAT  
9 DIFFERS FROM THE SIGNER'S ADDRESS AS SHOWN ON THE SIGNER'S VOTER REGISTRATION CARD MAY NOT BE USED AS THE  
10 ONLY MEANS TO DISQUALIFY THE SIGNATURE OF THAT PETITION SIGNER."

11

12 **Section 11.** Section 13-27-208, MCA, is amended to read:

13 **"13-27-208. Petitions to be made available in each county election administrator's office.** ~~When~~  
14 ~~the secretary of state sends written notice of the~~ Upon final approval of a petition as required under  
15 13-27-202(4), the secretary of state shall forward a copy of the petition, along with signature sheets, to  
16 the election administrator of each county. The election administrator shall make a copy of each approved  
17 petition available for reading and signing in the administrator's office during business hours in an election  
18 year until the petitions are submitted under 13-27-301. The secretary of state may charge the person who  
19 submitted the petition a fee sufficient to reimburse the secretary of state for the cost of providing copies  
20 of the petition and signature sheets to each county election administrator."

21

22 **SECTION 12. SECTION 13-27-302, MCA, IS AMENDED TO READ:**

23 **"13-27-302. Certification of signatures.** An affidavit, in substantially the following form, must be  
24 attached to each sheet or section submitted to the county official:

25 I, (name of person who circulated this petition), swear that I circulated or assisted in circulating  
26 the petition to which this affidavit is attached, that I believe the signatures on the petition are genuine,  
27 are the signatures of the persons whose names they purport to be, and are the signatures of Montana  
28 electors who are registered at the address or have the telephone number following ~~their~~ the person's  
29 signature, and that the signers knew the contents of the petition before signing the petition.

30

.....

1 (Signature of petition circulator)

2 .....

3 (Address of petition circulator)

4 Subscribed and sworn to before me this ... day of ....., 20...

5 .....

6 Seal (Person authorized to take oaths)

7 .....

8 (Title or notarial information)"

9

10 **SECTION 13. SECTION 13-27-304, MCA, IS AMENDED TO READ:**

11 **"13-27-304. County official to forward verified sheets.** The county official verifying the number  
12 of registered electors signing the petition shall forward it to the secretary of state by certified mail with  
13 a certificate in substantially the following form attached:

14 To the Honorable ....., Secretary of State of the state of Montana:

15 I, ....., ..... (title) of the County of ....., certify that I have examined the attached (section  
16 containing .... sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention,  
17 or constitutional amendment) No. .... in the manner prescribed by law; and I believe that .... (number)  
18 signatures in Legislative Representative District No. .... (repeat for each district included in sheet or  
19 section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the  
20 petition is attached and the post-office address, residence address, or telephone number and legislative  
21 representative district number is completed for each valid signature.

22 Signed: .....(Date) ..... (Signature)

23 Seal .....(Title)"

24

25 **Section 14. Section 13-27-316, MCA, is amended to read:**

26 **"13-27-316. Court review of attorney general opinion or statements.** (1) If the proponents of a  
27 ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal  
28 statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of  
29 13-27-312, or believe that the attorney general was incorrect in determining that the petition was legally  
30 deficient, they may, within 10 days of receipt of the notice from the secretary of state state's or ~~of the~~



1 attorney general's determination regarding legal sufficiency provided for in 13-27-202, file an action in the  
 2 district court in and for the county of Lewis and Clark challenging the adequacy of the statement or the  
 3 attorney general's determination and requesting the court to alter the statement or modify the attorney  
 4 general's determination.

5 (2) If the opponents of a ballot measure believe that the statement of purpose, the statements of  
 6 implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312  
 7 do not satisfy the requirements of 13-27-312, or believe that the attorney general was incorrect in  
 8 determining that the petition was legally sufficient, they may, within 10 days of the date of certification  
 9 to the governor that the completed petition has been officially filed, file an action in the district court in  
 10 and for the county of Lewis and Clark challenging the adequacy of the statement or the attorney general's  
 11 conclusion and requesting the court to alter the statement or overrule the attorney general's determination  
 12 concerning the legal sufficiency of the petition.

13 (3) (a) Notice must be served upon the secretary of state and upon the attorney general. The  
 14 action takes precedence over other cases and matters in the district court. The court shall examine the  
 15 proposed measure and the challenged statement or determination of the attorney general and shall as soon  
 16 as possible render a decision and certify to the secretary of state a statement which the court determines  
 17 will meet the requirements of 13-27-312 or an opinion as to the correctness of the attorney general's  
 18 determination.

19 (b) A statement certified by the court must be placed on the petition for circulation and on the  
 20 official ballot.

21 (4) A copy of the petition in final form must be filed in the office of the secretary of state by the  
 22 proponents.

23 (5) Any party may appeal the order of the district court to the Montana supreme court by filing  
 24 a notice of appeal within 5 days of the date of the order of the district court."

25

26 ~~NEW SECTION. SECTION 15. SUSPENSION OF ELECTION LAWS -- PURPOSE -- NOTICE. (1) DUE TO THE~~  
 27 ~~SEVERITY OF MONTANA'S FISCAL PROBLEMS, THE LEGISLATURE AND THE GOVERNOR FIND THAT IT IS IN THE BEST~~  
 28 ~~INTERESTS OF THE CITIZENS OF THE STATE OF MONTANA TO CONDUCT A SPECIAL ELECTION ON THE QUESTION OF WHETHER~~  
 29 ~~OR NOT CIGARETTE AND TOBACCO TAX INCREASES, AS REPRESENTED BY [SENATE BILL NO. 119], SHOULD BE ADOPTED.~~  
 30 ~~THE LEGISLATURE AND THE GOVERNOR ALSO FIND THAT STATUTES COVERING BALLOT MEASURES AND THE ELECTION ON~~

~~1 BALLOT MEASURES, GENERALLY FOUND IN TITLE 13, CHAPTER 27, ARE INSUFFICIENT TO ACCOMMODATE THE PRESSING  
2 NEED TO DISPOSE OF THE QUESTION OF INCREASING CIGARETTE AND TOBACCO TAXES. CONSEQUENTLY, PROCEDURES  
3 EXPEDITING THE ELECTION, SPECIFIED IN [SECTIONS 15 THROUGH 33], ARE ENACTED TO PROTECT AND FURTHER THE  
4 INTERESTS OF THE ELECTORATE AND MONTANA'S CITIZENS.—~~

~~5 ——— (2) FOR PURPOSES OF THE SPECIAL ELECTION TO BE HELD ON [SENATE BILL NO. 119]:~~

~~6 ——— (A) THE PROVISIONS OF 13-1-108, 13-2-301(1)(b), 13-12-201, 13-13-205, AND TITLE 13, CHAPTER 27,  
7 DO NOT APPLY;~~

~~8 ——— (B) NOTICE OF THE SPECIAL ELECTION MUST BE PUBLISHED AT LEAST ONCE A WEEK FOR THE 2 SUCCESSIVE WEEKS  
9 BEFORE THE ELECTION ON RADIO OR TELEVISION AS PROVIDED IN 2-3-105 THROUGH 2-3-107 OR IN A NEWSPAPER OF  
10 GENERAL CIRCULATION IN THE JURISDICTION WHERE THE ELECTION WILL BE HELD; AND~~

~~11 ——— (C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A  
12 NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE THE CLOSE OF REGISTRATION.~~

13

~~14 ——— **NEW SECTION. SECTION 16. PROCEDURES FOR SPECIAL ELECTION.** (1) FOR THE SPECIAL ELECTION REQUIRED  
15 IN [SENATE BILL NO. 119], THE PROCEDURES SET FORTH IN [SECTIONS 15 THROUGH 33] APPLY.~~

~~16 ——— (2) IN [SECTIONS 15 THROUGH 33], WHEREVER THE WORD "BALLOT ISSUE", "ISSUE", "BALLOT MEASURE",  
17 "BALLOT FORM", OR "BALLOT" APPEARS, THE WORD APPLIES TO [SENATE BILL NO. 119].~~

18

~~19 ——— **NEW SECTION. SECTION 17. TRANSMITTAL OF BALLOT ISSUE TO ATTORNEY GENERAL.** (1) THE SECRETARY  
20 OF STATE SHALL TRANSMIT A COPY OF THE BALLOT ISSUE AND A COPY OF THE FORM IN WHICH THE ISSUE WILL APPEAR  
21 ON THE BALLOT TO THE ATTORNEY GENERAL NO LATER THAN 40 DAYS BEFORE THE ELECTION AT WHICH THE ISSUE WILL  
22 BE VOTED ON BY THE PEOPLE.~~

~~23 ——— (2) IF THE BALLOT FORM IS NOT APPROVED BY THE ATTORNEY GENERAL PURSUANT TO [SECTION 19], THE  
24 SECRETARY OF STATE SHALL IMMEDIATELY SUBMIT A NEW BALLOT FORM TO THE ATTORNEY GENERAL.~~

25

~~26 ——— **NEW SECTION. SECTION 18. REVIEW BY ATTORNEY GENERAL -- PREPARATION OF STATEMENTS -- FISCAL**  
27 **NOTE.** (1) UPON RECEIPT OF A BALLOT ISSUE FROM THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO [SECTION 17],  
28 THE ATTORNEY GENERAL SHALL EXAMINE THE ISSUE AS TO FORM AND, IF IT HAS AN EFFECT ON THE REVENUE,  
29 EXPENDITURES, OR FISCAL LIABILITY OF THE STATE, SHALL ORDER A FISCAL NOTE INCORPORATING AN ESTIMATE OF THE  
30 EFFECT, THE SUBSTANCE OF WHICH MUST SUBSTANTIALLY COMPLY WITH THE PROVISIONS OF 5-4-205. THE BUDGET~~

~~1 DIRECTOR, IN COOPERATION WITH THE AGENCY OR AGENCIES AFFECTED OR KNOWLEDGEABLE, IS RESPONSIBLE FOR  
2 PREPARING THE FISCAL NOTE AND SHALL RETURN IT WITHIN 2 DAYS. IF A FISCAL NOTE WAS PREPARED FOR THE ISSUE FOR  
3 CONSIDERATION BY THE 57TH MONTANA LEGISLATURE, THE SECRETARY OF STATE SHALL PROVIDE TO THE ATTORNEY  
4 GENERAL THE FISCAL NOTE PREPARED FOR THE LEGISLATURE AT THE SAME TIME THE BALLOT ISSUE IS TRANSMITTED AND  
5 THE BUDGET DIRECTOR NEED NOT PREPARE A NEW FISCAL NOTE.~~

~~6 (2) THE ATTORNEY GENERAL SHALL ENDEAVOR TO SEEK OUT PARTIES ON BOTH SIDES OF THE ISSUE AND OBTAIN  
7 THEIR ADVICE. THE ATTORNEY GENERAL, WITHIN 3 DAYS OF RECEIPT OF THE BALLOT ISSUE, SHALL PREPARE:~~

~~8 (A) A STATEMENT, NOT TO EXCEED 100 WORDS, EXPLAINING THE PURPOSE OF THE MEASURE; AND~~

~~9 (B) STATEMENTS, NOT TO EXCEED 25 WORDS EACH, EXPLAINING THE IMPLICATIONS OF A VOTE FOR AND A VOTE  
10 AGAINST THE MEASURE.~~

~~11 (3) WITHIN 3 DAYS OF RECEIPT OF A FISCAL NOTE, IF ONE IS NECESSARY, THE ATTORNEY GENERAL SHALL  
12 PREPARE A FISCAL STATEMENT OF NO MORE THAN 50 WORDS, USING THE FISCAL NOTE PREPARED FOR THE BALLOT ISSUE  
13 IF ONE WAS PREPARED. THE STATEMENT MUST BE USED ON THE BALLOT.~~

~~14 (4) THE STATEMENT OF PURPOSE AND THE STATEMENTS OF IMPLICATION MUST EXPRESS THE TRUE AND  
15 IMPARTIAL EXPLANATION OF THE BALLOT ISSUE IN PLAIN, EASILY UNDERSTOOD LANGUAGE AND MAY NOT BE ARGUMENTS  
16 OR WRITTEN SO AS TO CREATE PREJUDICE FOR OR AGAINST THE MEASURE. THE STATEMENT OF PURPOSE, STATEMENTS  
17 OF IMPLICATION, AND FISCAL STATEMENT MUST BE TRANSMITTED TO THE SECRETARY OF STATE NO LATER THAN 1 DAY  
18 FOLLOWING COMPLETION OF THE STATEMENTS.~~

~~19 (5) THE STATEMENT OF PURPOSE, UNLESS ALTERED BY A COURT UNDER [SECTION 20], MUST APPEAR ON THE  
20 BALLOT IN ADDITION TO THE LANGUAGE INCLUDED IN [SENATE BILL NO. 119].~~

~~21 (6) THE STATEMENTS OF IMPLICATION MUST BE PLACED BESIDE THE DIAGRAM PROVIDED FOR MARKING OF THE  
22 BALLOT IN A MANNER SIMILAR TO BUT NOT LIMITED TO THE FOLLOWING EXAMPLE:~~

~~23 [ ] FOR EXTENDING THE RIGHT TO VOTE TO PERSONS 18 YEARS OF AGE.~~

~~24 [ ] AGAINST EXTENDING THE RIGHT TO VOTE TO PERSONS 18 YEARS OF AGE.~~

25

~~26 NEW SECTION. SECTION 19. REVIEW OF BALLOT FORM BY ATTORNEY GENERAL. THE ATTORNEY GENERAL  
27 SHALL EXAMINE THE BALLOT FORM SUBMITTED PURSUANT TO [SECTION 17] AND WITHIN 2 DAYS OF RECEIPT OF THE  
28 BALLOT FORM SHALL NOTIFY THE SECRETARY OF STATE OF APPROVAL OR REJECTION OF THE BALLOT FORM. IF THE BALLOT  
29 FORM IS REJECTED, THE ATTORNEY GENERAL SHALL APPROVE OR REJECT A NEW BALLOT FORM SUBMITTED BY THE  
30 SECRETARY OF STATE PURSUANT TO [SECTION 17] WITHIN 1 DAY OF RECEIVING THE NEW FORM.~~

1

2 ~~NEW SECTION. SECTION 20. COURT REVIEW OF ATTORNEY GENERAL STATEMENTS. (1) IF A MAJORITY OF~~  
 3 ~~THE 57TH MONTANA LEGISLATURE, BY ROLL CALL VOTE, BELIEVES THAT THE STATEMENT OF PURPOSE, A STATEMENT OF~~  
 4 ~~IMPLICATION OF A VOTE, OR THE FISCAL STATEMENT FORMULATED BY THE ATTORNEY GENERAL PURSUANT TO [SECTION~~  
 5 ~~18] DOES NOT SATISFY THE REQUIREMENTS OF [SECTION 18], A REPRESENTATIVE OF THE MAJORITY MAY, WITHIN 2 DAYS~~  
 6 ~~OF THE ROLL CALL VOTE, FILE AN ACTION IN THE DISTRICT COURT IN AND FOR THE COUNTY OF LEWIS AND CLARK~~  
 7 ~~CHALLENGING THE ADEQUACY OF THE STATEMENT AND REQUESTING THE COURT TO ALTER THE STATEMENT.~~

8 ~~(2) ON THE SAME DAY ON WHICH AN ACTION IS FILED UNDER SUBSECTION (1), THE PERSON FILING THE ACTION~~  
 9 ~~SHALL SERVE NOTICE OF THE ACTION UPON THE SECRETARY OF STATE AND UPON THE ATTORNEY GENERAL.~~

10 ~~(3) AN ACTION FILED UNDER SUBSECTION (1) TAKES PRECEDENCE OVER ALL OTHER CASES AND MATTERS IN THE~~  
 11 ~~DISTRICT COURT. THE COURT SHALL EXAMINE THE PROPOSED MEASURE AND THE CHALLENGED STATEMENT AND SHALL~~  
 12 ~~AS SOON AS POSSIBLE RENDER A DECISION AND CERTIFY TO THE SECRETARY OF STATE A STATEMENT THAT THE COURT~~  
 13 ~~DETERMINES WILL MEET THE REQUIREMENTS OF [SECTION 18].~~

14 ~~(4) A STATEMENT CERTIFIED BY THE COURT MUST BE PLACED ON THE OFFICIAL BALLOT.~~

15 ~~(5) A COPY OF THE STATEMENT CERTIFIED BY THE COURT, IN FINAL FORM, MUST BE FILED IN THE OFFICE OF THE~~  
 16 ~~SECRETARY OF STATE BY THE PERSON FILING THE ACTION.~~

17 ~~(6) A PARTY MAY APPEAL THE ORDER OF THE DISTRICT COURT TO THE MONTANA SUPREME COURT BY FILING A~~  
 18 ~~NOTICE OF APPEAL WITHIN 2 DAYS OF THE DATE OF THE ORDER OF THE DISTRICT COURT.~~

19 ~~(7) AN ACTION FILED UNDER SUBSECTION (6) TAKES PRECEDENCE OVER ALL OTHER CASES AND MATTERS IN THE~~  
 20 ~~MONTANA SUPREME COURT. THE COURT SHALL EXAMINE THE PROPOSED MEASURE AND THE CHALLENGED STATEMENT AND~~  
 21 ~~SHALL AS SOON AS POSSIBLE RENDER A DECISION AND CERTIFY TO THE SECRETARY OF STATE A STATEMENT THAT THE~~  
 22 ~~COURT DETERMINES WILL MEET THE REQUIREMENTS OF [SECTION 18]. A DECISION BY THE SUPREME COURT IS FINAL.~~

23 ~~(8) A STATEMENT CERTIFIED BY THE SUPREME COURT MUST BE PLACED ON THE OFFICIAL BALLOT.~~

24 ~~(9) A COPY OF THE STATEMENT CERTIFIED BY THE SUPREME COURT, IN FINAL FORM, MUST BE FILED IN THE OFFICE~~  
 25 ~~OF THE SECRETARY OF STATE BY THE PERSON FILING THE ACTION.~~

26

27 ~~NEW SECTION. SECTION 21. VOTER INFORMATION PAMPHLET. (1) THE SECRETARY OF STATE SHALL PREPARE~~  
 28 ~~FOR PRINTING A VOTER INFORMATION PAMPHLET CONTAINING THE FOLLOWING INFORMATION FOR THE BALLOT ISSUE TO~~  
 29 ~~BE VOTED ON AT THE JUNE 5, 2001, SPECIAL ELECTION, AS APPLICABLE:~~

30 ~~(A) BALLOT TITLE, FISCAL STATEMENT, IF APPLICABLE, AND COMPLETE TEXT OF THE ISSUE;~~

1 ~~———— (B) THE FORM IN WHICH THE ISSUE WILL APPEAR ON THE BALLOT;~~

2 ~~———— (C) ARGUMENTS ADVOCATING APPROVAL AND REJECTION OF THE ISSUE; AND~~

3 ~~———— (D) REBUTTAL ARGUMENTS.~~

4 ~~———— (2) THE PAMPHLET MUST ALSO CONTAIN A NOTICE ADVISING THE RECIPIENT AS TO WHERE ADDITIONAL COPIES~~  
5 ~~OF THE PAMPHLET MAY BE OBTAINED.~~

6 ~~———— (3) THE SECRETARY OF STATE MAY PUBLISH A SINGLE PAMPHLET FOR ALL OF THE BALLOT ISSUES TO BE VOTED~~  
7 ~~ON AT THE JUNE 5, 2001, SPECIAL ELECTION. THE SECRETARY OF STATE MAY ARRANGE THE INFORMATION IN THE ORDER~~  
8 ~~THAT SEEMS MOST APPROPRIATE, BUT THE INFORMATION FOR ALL ISSUES IN THE PAMPHLET MUST BE PRESENTED IN THE~~  
9 ~~SAME ORDER.~~

10

11 ~~———— **NEW SECTION. SECTION 22. COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST BALLOT ISSUE.** (1)~~  
12 ~~THE ARGUMENTS ADVOCATING APPROVAL OR REJECTION OF A BALLOT ISSUE AND REBUTTAL ARGUMENTS MUST BE~~  
13 ~~SUBMITTED TO THE SECRETARY OF STATE BY COMMITTEES APPOINTED AS PROVIDED IN THIS SECTION.~~

14 ~~———— (2) (A) WITHIN 3 DAYS FOLLOWING ADOPTION BY THE LEGISLATURE OF [SENATE BILL NO. 119], A COMMITTEE~~  
15 ~~ADVOCATING THE APPROVAL OF THE BALLOT ISSUE MUST BE APPOINTED. THE COMMITTEE MUST BE COMPOSED OF ONE~~  
16 ~~SENATOR KNOWN TO FAVOR THE ISSUE, WHO MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE AND SERVE AS THE~~  
17 ~~PRESIDING OFFICER; ONE REPRESENTATIVE KNOWN TO FAVOR THE ISSUE, WHO MUST BE APPOINTED BY THE SPEAKER OF~~  
18 ~~THE HOUSE OF REPRESENTATIVES; AND ONE INDIVIDUAL, WHO NEED NOT BE A MEMBER OF THE LEGISLATURE BUT WHO~~  
19 ~~MUST BE APPOINTED BY THE FIRST TWO MEMBERS.~~

20 ~~———— (B) IF ANY MEMBER OF THE COMMITTEE IS NOT APPOINTED WITHIN THE TIME PROVIDED IN SUBSECTION (2)(A),~~  
21 ~~THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT SHALL MAKE THE APPOINTMENT WITHIN 2 DAYS FOLLOWING~~  
22 ~~EXPIRATION OF THE TIME ALLOWED IN SUBSECTION (2)(A).~~

23 ~~———— (3) (A) WITHIN 3 DAYS FOLLOWING ADOPTION BY THE LEGISLATURE OF [SENATE BILL NO. 119], A COMMITTEE~~  
24 ~~ADVOCATING REJECTION OF THE BALLOT ISSUE MUST BE APPOINTED. THE COMMITTEE ADVOCATING REJECTION OF AN~~  
25 ~~ISSUE MUST BE COMPOSED OF ONE SENATOR, WHO MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE AND SERVE~~  
26 ~~AS THE PRESIDING OFFICER; ONE REPRESENTATIVE, WHO MUST BE APPOINTED BY THE SPEAKER OF THE HOUSE OF~~  
27 ~~REPRESENTATIVES; AND ONE INDIVIDUAL, WHO NEED NOT BE A MEMBER OF THE LEGISLATURE BUT WHO MUST BE APPOINTED~~  
28 ~~BY THE FIRST TWO MEMBERS. WHENEVER POSSIBLE, THE MEMBERS MUST BE KNOWN TO OPPOSE THE ISSUE.~~

29 ~~———— (B) IF ANY MEMBER OF THE COMMITTEE IS NOT APPOINTED WITHIN THE TIME PROVIDED IN SUBSECTION (3)(A),~~  
30 ~~THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT SHALL MAKE THE APPOINTMENT WITHIN 2 DAYS FOLLOWING~~

1 ~~EXPIRATION OF THE TIME ALLOWED IN SUBSECTION (3)(A).~~

2 ~~———— (4) (A) A PERSON MAY NOT BE REQUIRED TO SERVE ON A COMMITTEE UNDER THIS SECTION, AND THE PERSON~~  
 3 ~~MAKING AN APPOINTMENT MUST RECEIVE WRITTEN ACCEPTANCE OF APPOINTMENT FROM THE APPOINTEE.~~

4 ~~———— (B) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL NOTIFY THE~~  
 5 ~~SECRETARY OF STATE OF EACH PERSON APPOINTED TO THE COMMITTEES IN SUBSECTIONS (2) AND (3) IMMEDIATELY UPON~~  
 6 ~~RECEIPT OF WRITTEN ACCEPTANCE OF APPOINTMENT BY THE APPOINTEE.~~

7  
 8 ~~———— NEW SECTION. SECTION 23. NOTICE OF APPOINTMENT TO COMMITTEE. ALL APPOINTEES TO A COMMITTEE~~  
 9 ~~PURSUANT TO [SECTION 22] MUST BE NOTIFIED BY THE SECRETARY OF STATE BY CERTIFIED MAIL, RETURN RECEIPT~~  
 10 ~~REQUESTED, NO LATER THAN 1 DAY AFTER THE DEADLINE SET FOR APPOINTMENT OF COMMITTEE MEMBERS, OF THE~~  
 11 ~~DEADLINES FOR SUBMISSION OF THE COMMITTEE'S ARGUMENTS.~~

12  
 13 ~~———— NEW SECTION. SECTION 24. COMMITTEE EXPENSES. EACH COMMITTEE APPOINTED UNDER [SECTION 22] IS~~  
 14 ~~ENTITLED TO RECEIVE FUNDS, NOT TO EXCEED \$100, FOR THE PREPARATION OF ARGUMENTS AND EXPENSES OF MEMBERS.~~  
 15 ~~ITEMIZED CLAIMS FOR ACTUAL EXPENSES INCURRED, APPROVED BY A MAJORITY OF THE COMMITTEE, MUST BE SUBMITTED~~  
 16 ~~TO THE SECRETARY OF STATE FOR PAYMENT FROM FUNDS APPROPRIATED FOR THAT PURPOSE.~~

17  
 18 ~~———— NEW SECTION. SECTION 25. LIMITATION ON LENGTH OF ARGUMENT -- TIME OF FILING. AN ARGUMENT~~  
 19 ~~ADVOCATING APPROVAL OR REJECTION OF A BALLOT MEASURE IS LIMITED TO 500 WORDS OR LESS AND MUST BE FILED,~~  
 20 ~~IN TYPEWRITTEN FORM, WITH THE SECRETARY OF STATE NO LATER THAN 30 DAYS BEFORE THE ELECTION AT WHICH THE~~  
 21 ~~ISSUE WILL BE VOTED ON BY THE PEOPLE. A MAJORITY OF THE COMMITTEE RESPONSIBLE FOR PREPARATION SHALL APPROVE~~  
 22 ~~AND SIGN EACH ARGUMENT FILED. SEPARATE SIGNED LETTERS OF APPROVAL OF AN ARGUMENT MAY BE FILED WITH THE~~  
 23 ~~SECRETARY OF STATE BY MEMBERS OF A COMMITTEE IF NECESSARY TO MEET THE FILING DEADLINE.~~

24  
 25 ~~———— NEW SECTION. SECTION 26. REBUTTAL ARGUMENTS. THE SECRETARY OF STATE SHALL PROVIDE COPIES OF~~  
 26 ~~THE ARGUMENTS ADVOCATING APPROVAL OR REJECTION OF A BALLOT ISSUE TO THE MEMBERS OF THE ADVERSARY~~  
 27 ~~COMMITTEE NO LATER THAN 1 DAY FOLLOWING THE FILING OF BOTH THE APPROVAL AND REJECTION ARGUMENTS FOR THE~~  
 28 ~~ISSUE IN THE OFFICE OF THE SECRETARY OF STATE. THE COMMITTEES MAY PREPARE REBUTTAL ARGUMENTS, LIMITED TO~~  
 29 ~~250 WORDS OR LESS, THAT MUST BE FILED, IN TYPEWRITTEN FORM, WITH THE SECRETARY OF STATE NO LATER THAN 3~~  
 30 ~~DAYS AFTER THE DEADLINE FOR FILING THE ORIGINAL ARGUMENTS. DISCUSSION IN THE REBUTTAL ARGUMENT MUST BE~~

1 ~~CONFINED TO THE SUBJECT MATTER RAISED IN THE ARGUMENT BEING REBUTTED. THE REBUTTAL ARGUMENT MUST BE~~  
 2 ~~APPROVED AND SIGNED BY A MAJORITY OF THE COMMITTEE RESPONSIBLE FOR ITS PREPARATION. SEPARATE SIGNED~~  
 3 ~~LETTERS OF APPROVAL MAY BE SUBMITTED IN THE SAME MANNER AS FOR THE ORIGINAL ARGUMENTS:~~

4

5 ~~NEW SECTION. SECTION 27. REJECTION OF IMPROPER ARGUMENTS. (1) THE SECRETARY OF STATE SHALL~~  
 6 ~~REJECT, WITH THE APPROVAL OF THE ATTORNEY GENERAL:~~

7 ~~(A) AN ARGUMENT OR OTHER MATTER HELD TO CONTAIN OBSCENE, VULGAR, PROFANE, SCANDALOUS, LIBELOUS,~~  
 8 ~~OR DEFAMATORY MATTER;~~

9 ~~(B) ANY LANGUAGE THAT IN ANY WAY INCITES, COUNSELS, PROMOTES, OR ADVOCATES HATRED, ABUSE,~~  
 10 ~~VIOLENCE, OR HOSTILITY TOWARD OR THAT TENDS TO CAST RIDICULE OR SHAME UPON A GROUP OF PERSONS BY REASON~~  
 11 ~~OF RACE, COLOR, RELIGION, OR SEX; OR~~

12 ~~(C) ANY MATTER NOT ALLOWED TO BE SENT THROUGH THE MAIL.~~

13 ~~(2) REJECTED ARGUMENTS MAY NOT BE FILED OR PRINTED IN THE VOTER INFORMATION PAMPHLET.~~

14

15 ~~NEW SECTION. SECTION 28. LIABILITY FOR CONTENTS OF ARGUMENT. [SECTIONS 15 THROUGH 33] DO NOT~~  
 16 ~~RELIEVE AN AUTHOR OF ANY ARGUMENT FROM CIVIL OR CRIMINAL RESPONSIBILITY FOR STATEMENTS CONTAINED IN AN~~  
 17 ~~ARGUMENT PRINTED IN THE VOTER INFORMATION PAMPHLET.~~

18

19 ~~NEW SECTION. SECTION 29. PRINTING AND DISTRIBUTION OF VOTER INFORMATION PAMPHLET -- PUBLIC~~  
 20 ~~EXIGENCIES. (1) AS SOON AS POSSIBLE, THE SECRETARY OF STATE SHALL ARRANGE WITH THE DEPARTMENT OF~~  
 21 ~~ADMINISTRATION BY REQUISITION FOR THE PRINTING AND DELIVERY OF A VOTER INFORMATION PAMPHLET FOR THE BALLOT~~  
 22 ~~MEASURE. THE REQUISITION MUST INCLUDE A DELIVERY LIST PROVIDING FOR SHIPMENT OF THE REQUIRED NUMBER OF~~  
 23 ~~PAMPHLETS TO EACH COUNTY AND TO THE SECRETARY OF STATE.~~

24 ~~(2) THE SECRETARY OF STATE SHALL ESTIMATE THE NUMBER OF COPIES NECESSARY TO FURNISH ONE COPY TO~~  
 25 ~~EVERY VOTER IN EACH COUNTY, EXCEPT THAT TWO OR MORE VOTERS WITH THE SAME MAILING ADDRESS AND THE SAME~~  
 26 ~~LAST NAME MAY BE COUNTED AS ONE VOTER. THE SECRETARY OF STATE SHALL PROVIDE FOR AN EXTRA SUPPLY OF THE~~  
 27 ~~PAMPHLETS IN DETERMINING THE NUMBER OF VOTER PAMPHLETS TO BE ORDERED IN THE REQUISITION.~~

28 ~~(3) (A) THE PROVISIONS OF 18-4-133(1) APPLY TO THE PURCHASE OF OR A CONTRACT FOR SERVICES OR~~  
 29 ~~MATERIALS ASSOCIATED WITH THE PRINTING, DELIVERY, OR DISTRIBUTION OF THE VOTER INFORMATION PAMPHLET AND~~  
 30 ~~THE BALLOTS FOR THE SPECIAL ELECTION ON [SENATE BILL NO. 119].~~

1 ~~———— (b) THE DEPARTMENT OF ADMINISTRATION MAY CALL FOR BIDS AND SHALL CONTRACT FOR THE PRINTING AND~~  
 2 ~~DELIVERY OF THE VOTER INFORMATION PAMPHLET. THE CONTRACT MUST REQUIRE COMPLETION OF PRINTING AND~~  
 3 ~~SHIPMENT, AS SPECIFIED ON THE DELIVERY LIST, OF THE VOTER INFORMATION PAMPHLETS BY NO LATER THAN 21 DAYS~~  
 4 ~~BEFORE THE ELECTION AT WHICH THE BALLOT ISSUE WILL BE VOTED ON BY THE PEOPLE.~~

5 ~~———— (4) THE COUNTY OFFICIAL RESPONSIBLE FOR VOTER REGISTRATION IN EACH COUNTY SHALL MAIL ONE COPY OF~~  
 6 ~~THE VOTER INFORMATION PAMPHLET TO EACH REGISTERED VOTER IN THE COUNTY, EXCEPT THAT TWO OR MORE VOTERS~~  
 7 ~~WITH THE SAME MAILING ADDRESS AND THE SAME LAST NAME MAY BE COUNTED AS ONE VOTER. THE MAILING MUST TAKE~~  
 8 ~~PLACE AS SOON AS IS POSSIBLE AFTER THE PAMPHLETS ARE RECEIVED FROM THE PRINTER.~~

9 ~~———— (5) TEN COPIES OF THE VOTER INFORMATION PAMPHLET MUST BE AVAILABLE AT EACH PRECINCT FOR USE BY ANY~~  
 10 ~~VOTER WISHING TO READ THE EXPLANATORY INFORMATION AND COMPLETE TEXT BEFORE VOTING ON [SENATE BILL NO.~~  
 11 ~~119].~~

12

13 ~~———— NEW SECTION. SECTION 30. SECRETARY OF STATE TO CERTIFY BALLOT FORM. (1) WITHIN 5 DAYS AFTER~~  
 14 ~~RECEIVING APPROVAL OF THE BALLOT FORM FROM THE ATTORNEY GENERAL UNDER [SECTION 19], THE SECRETARY OF~~  
 15 ~~STATE SHALL FURNISH TO THE OFFICIAL OF EACH COUNTY RESPONSIBLE FOR PREPARING AND PRINTING THE BALLOTS A~~  
 16 ~~CERTIFIED COPY OF THE FORM IN WHICH THE BALLOT ISSUE IS TO APPEAR ON THE BALLOT.~~

17 ~~———— (2) THE SECRETARY OF STATE SHALL LIST FOR THE ISSUE:~~

18 ~~———— (A) THE NUMBER;~~

19 ~~———— (B) THE METHOD OF PLACEMENT ON THE BALLOT;~~

20 ~~———— (C) THE TITLE;~~

21 ~~———— (D) THE ATTORNEY GENERAL'S EXPLANATORY STATEMENT, IF APPLICABLE;~~

22 ~~———— (E) THE FISCAL STATEMENT, IF APPLICABLE; AND~~

23 ~~———— (F) THE STATEMENTS OF THE IMPLICATION OF A VOTE FOR OR AGAINST THE ISSUE THAT ARE TO BE PLACED BESIDE~~  
 24 ~~THE DIAGRAM FOR MARKING THE BALLOT.~~

25 ~~———— (3) THE SECRETARY OF STATE SHALL USE, FOR THE BALLOT ISSUE, THE TITLE OF THE LEGISLATIVE ACT AND~~  
 26 ~~LANGUAGE AS MAY BE SPECIFICALLY REQUIRED IN [SENATE BILL NO. 119]. FOLLOWING THE NUMBER OF THE BALLOT~~  
 27 ~~ISSUE, THE SECRETARY OF STATE SHALL STATE THAT THE ISSUE HAS BEEN PLACED ON THE BALLOT AS AN ACT REFERRED~~  
 28 ~~BY THE LEGISLATURE.~~

29

30 ~~———— NEW SECTION. SECTION 31. PREPARATION OF BALLOTS BY COUNTY OFFICIALS -- ABSENTEE BALLOTS. (1)~~

1 ~~EACH OF THE COUNTY OFFICIALS RESPONSIBLE FOR THE PREPARATION AND PRINTING OF THE BALLOTS SHALL PRINT OR~~  
 2 ~~HAVE PRINTED THE BALLOT ISSUE ON THE OFFICIAL BALLOT IN THE FORM CERTIFIED BY THE SECRETARY OF STATE PURSUANT~~  
 3 ~~TO [SECTION 30].~~

4 ~~—— (2) THE COUNTY ELECTION ADMINISTRATOR SHALL ENSURE THAT SUFFICIENT BALLOTS ARE PRINTED AND~~  
 5 ~~AVAILABLE FOR ABSENTEE VOTING AT LEAST 14 DAYS PRIOR TO THE ELECTION.~~

6  
 7 ~~—— NEW SECTION. SECTION 32. DETERMINATION OF RESULTS OF SPECIAL ELECTION. THE VOTES ON THE BALLOT~~  
 8 ~~ISSUE MUST BE COUNTED, CANVASSED, AND RETURNED BY THE REGULAR BOARDS OF JUDGES, CLERKS, AND OFFICERS IN~~  
 9 ~~THE MANNER THAT VOTES FOR CANDIDATES ARE COUNTED, CANVASSED, AND RETURNED. THE ABSTRACT OF THE VOTES~~  
 10 ~~ON THE BALLOT ISSUE MUST BE PREPARED AND RETURNED TO THE SECRETARY OF STATE IN THE MANNER PROVIDED BY~~  
 11 ~~13-15-501 FOR ABSTRACTS OF VOTES FOR STATE OFFICERS, EXCEPT THAT THE COUNTY ELECTION ADMINISTRATOR SHALL~~  
 12 ~~PROVIDE THE REQUIRED INFORMATION AND SHALL SEND THE ABSTRACT OF VOTES TO THE SECRETARY OF STATE BY~~  
 13 ~~CERTIFIED MAIL IN AN ENVELOPE MARKED "SPECIAL ELECTION RETURNS", WHICH ENVELOPE MUST BE RECEIVED BY THE~~  
 14 ~~SECRETARY OF STATE NO LATER THAN 5 P.M. ON THE SIXTH DAY FOLLOWING THE ELECTION. THE BOARD OF STATE~~  
 15 ~~CANVASSERS SHALL PROCEED WITHIN 7 DAYS AFTER THE SPECIAL ELECTION AT WHICH THE BALLOT ISSUE IS VOTED UPON~~  
 16 ~~TO CANVASS THE VOTES GIVEN FOR THE BALLOT ISSUE. THE SECRETARY OF STATE, AS SECRETARY OF THE BOARD OF~~  
 17 ~~STATE CANVASSERS, SHALL PREPARE AND FILE IN THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF THE~~  
 18 ~~CANVASS, GIVING THE NUMBER AND TITLE OF THE BALLOT ISSUE, THE WHOLE NUMBER OF VOTES CAST IN THE STATE FOR~~  
 19 ~~AND AGAINST THE BALLOT ISSUE, AND THE EFFECTIVE DATE OF THE BALLOT ISSUE APPROVED BY A MAJORITY OF THOSE~~  
 20 ~~VOTING ON THE ISSUE. THE SECRETARY OF STATE SHALL TRANSMIT A CERTIFIED COPY OF THE STATEMENT OF THE~~  
 21 ~~CANVASS TO THE GOVERNOR WITHIN 10 DAYS FOLLOWING THE SPECIAL ELECTION.~~

22  
 23 ~~—— NEW SECTION. SECTION 33. COPY OF APPROVED ISSUES SENT TO LEGISLATIVE SERVICES DIVISION. THE~~  
 24 ~~SECRETARY OF STATE SHALL SEND A CERTIFIED COPY OF THE BALLOT ISSUE APPROVED BY A MAJORITY OF THOSE VOTING~~  
 25 ~~ON THE ISSUE AND A COPY OF THE STATEMENT OF THE CANVASS TO THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE~~  
 26 ~~SERVICES DIVISION AT THE SAME TIME THE CERTIFIED COPY OF THE STATEMENT OF THE CANVASS IS TRANSMITTED TO THE~~  
 27 ~~GOVERNOR UNDER [SECTION 32].~~

28  
 29 ~~—— NEW SECTION. SECTION 34. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE~~  
 30 ~~SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS~~

1 ~~APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID~~  
2 ~~APPLICATIONS.~~

3

4 ~~NEW SECTION. SECTION 35. EFFECTIVE DATES. (1) [SECTIONS 15 THROUGH 34 AND THIS SECTION] ARE~~  
5 ~~EFFECTIVE ON PASSAGE AND APPROVAL.~~

6 ~~(2) [SECTIONS 1 THROUGH 14] ARE EFFECTIVE OCTOBER 1, 2001.~~

7

- END -